

August 1, 2024  
7:00PM  
Owego Town Hall  
2354 State Route 434  
Apalachin, NY 13732

## MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, David Kresge, Jack Legg, Dan Myers, Janet Brown, Paula Wilcox (alternate)

Others Present: Bill Carrigg, Irene Graven

Chairman Phelps called the meeting to order at 7:00 pm. The minutes from the regular Zoning Board of Appeals meeting held June 6, 2024 were considered. Ms. Wilcox made a motion to approve the minutes as written, seconded by Mr. Kresge. 3 yes, 2 abstentions (Mr. Legg & Mr. Myers).

Mrs. Brown joined the meeting at 7:02pm. Ms. Wilcox then stepped down from her seat on the board for the remainder of the meeting.

### Appeal No. 2150

The Board visited Appeal No. 2150, a request by Christopher Kane for an Area Variance for a carport at 18 Elmwood Drive, Apalachin.

*Appearances: Christopher Kane, Applicant & Dave Nolan, Contractor*

*Exhibits: Application for an Area Variance dated June 27, 2024*

Mr. Carrigg introduced the project stating Mr. Kane is asking for an Area Variance of 5 feet where his setback to the property line would be one 1 foot under Article V, Section 13 Subsection A Paragraph 3B1 for a carport at 18 Elmwood Drive, Apalachin, which is zoned Residential B.

Mr. Carrigg asked Mr. Kane to verbally answer the 7 questions from the Area Variance application. Mr. Kane complied and answered the 7 questions from the application.

Mr. Carrigg stated that letters were sent to Mr. Kane's adjacent neighbors regarding the application and no comments were received.

Chairman Phelps asked what the carport was being constructed with as no plans were received. Mr. Kane provided the board a couple of picture samples of possible structures.

Chairman Phelps closed the public portion of the meeting and opened the meeting up for comments or questions from the board.

Mr. Kane explained there are 4 sample pictures, 1 is a tent from Harbor Freight, and 1 is a VersaTube carport, which Mr. Kane stated he is not asking or requesting for. Mr. Kane stated the last 2 pictures are similar examples he found online of what he would like to build.

Ms. Wilcox asked if the carport is open on all 3 sides. Mr. Kane replied yes.

Chairman Phelps inquired if the carport would be attached to the existing garage and if the roof would be shingles or steel. Mr. Kane replied yes, it would be attached to the existing garage and that he is thinking a steel roof but stated he would not be opposed to shingles if that is what is preferred.

A brief discussion was had regarding the vehicles that would be parked in the carport were for Law Enforcement.

Mr. Myers inquired on the drainage being routed to the back yard and what the terrain of the back yard was. Mr. Kane stated that it is fairly level, if there was any slope it would be to the Northwest of the property.

Mr. Legge inquired on the slope of the roof. Mr. Nolan stated the roof would be a simple shed roof, 11 feet somewhere between 3 and 4/12 pitch.

Chairman Phelps inquired if there would be any electric installed. Mr. Kane stated there is already electric out there now, there is an outside light at the entrance of the garage, and he may add an exterior outlet at some point.

Mr. Myers asked if the structure would be going the full length of the gable. Mr. Nolan stated the confines had to be pulled in in order to get the pitch and not interrupt where the garage is coming off. Mr. Nolan stated the exact number would be between 21-22 and that is based on elevation on where the beam ends up and where to get with pitch. Mr. Nolan stated he does not want to get less than 3/12 as that would be too flat. Mr. Nolan stated that if the carport were shingled he would have to ice and water the whole thing. Mr. Nolan stated all 3 sides will be open.

Mr. Myers asked if the one side would be finished or would there be exposed beams. Mr. Nolan stated he is unsure if Mr. Kane wants to close it, if anything, a soffit seal would be installed.

Chairman Phelps made mention that the neighborhood has very nice homes with small lot frontage and his concern is that is carport may infringe on the aesthetics of the neighborhood. Mr. Kane stated he had the same concern with the pre-manufactured carports and that is why he is choosing to have one custom built as they blend in better with the aesthetics of the neighborhood.

Chairman Phelps asked if the carport could be built so it does not disrupt the neighborhood as in, blend in with the existing structure with color. Mr. Nolan states you build something to look like it was always there and to blend in with what is existing.

Chairman Phelps stated the carport should be built with real detail so that it blends in almost like a third car garage. Mr. Kane explained that it won't be a third garage and that is why the carport would be on the side of the house so that it looks more natural.

Mr. Myers asked if Mr. Kane spoke to his neighbor at 20 Elmwood Drive. Mr. Kane stated yes, he spoke to the neighbor and he would not file the paperwork for the variance if the neighbor had a problem with the project. Mr. Kane said the neighbor stated he had no issue with the project.

Mr. Myers asked Mr. Carrigg if a special use permit or building permit is required. Mr. Carrigg stated that the temporary carports which were presented have snow load issues. Mr. Carrigg stated the custom built carport would require a building permit as it is permanent.

A brief discussion was had regarding if a variance would be needed for a temporary tent like carport and that Mr. Kane is aware that type of structure would not be viable in his neighborhood.

Mr. Legge asked if the run-off would be directed to the back yard. Mr. Kane replied yes, and that currently the run-off drains off the side of the driveway and this project would create less water in that direction.

Mr. Myers inquired if the existing asphalt driveway goes back to where the carport would be built and if there was a plan for a concrete pad. Mr. Kane replied the asphalt does go back and there would not be a concrete pad, asphalt driveway would remain the same.

Chairman Phelps asked if the posts would go along the side of the asphalt. Mr. Kane replied yes.

Mr. Legge asked if there would be exterior lighting added. Mr. Kane replied that there is only one exterior light off the side of the house. Mr. Kane stated he may put an exterior outlet in.

Mr. Myers made a motion to accept Appeal 2150 with the following condition:

1. Carport must blend with existing and neighboring structures and be an aesthetically pleasing addition to the neighborhood. A set of prints with the detailed scope of the work, to include colors and finishing touches, be submitted the planning and zoning administrator before the issuing of a building permit.

Seconded by Mr. Legge. All in favor. Carried.

Reference:  
Appeal No. 2150 dated June 27, 2024

ACTION OF THE ZONING BOARD OF APPEALS of the Town of Owego, Owego Town Hall,  
2354 State Route 434, Apalachin, New York:

To: Christopher Kane, 18 Elmwood Drive Apalachin NY 13732

At a meeting of the Zoning Board of Appeals held the 1<sup>st</sup> day of August 2024, the above referenced appeal was considered and the Board by resolution GRANTED your request for an Area Variance pursuant to Chapter 125 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follow, viz:

WHEREAS, a public hearing was held on the 1<sup>st</sup> day of August 2024, on notice according to the law, at which Christopher Kane appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, Mr. Kane desires to build a carport at his home at 18 Elmwood Drive, Apalachin, NY; and

WHEREAS, Carport must blend with existing and neighboring structures and be an aesthetically pleasing addition to the neighborhood. A set of prints with the detailed scope of the work, to include colors and finishing touches, be submitted to the planning and zoning administrator before the issuing of a building permit.; therefore be it

RESOLVED, that the Board makes the following findings based on the entire record:

1. Applicant requested an Area Variance of 5 feet for the side yard creating a 1 foot setback to build a carport at his home;
2. Property is located at 18 Elmwood Drive Apalachin NY;
3. Property is situated in an Residential B(RB) zoning district;

And be it further

RESOLVED, the application for an Area Variance is hereby GRANTED.

Any and all other provisions of this Chapter not waived or modified by this decision are to be observed.

With there being no further business, the meeting was adjourned at 7:20pm.

Respectfully Submitted,

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Tina Tammaro, Secretary  
Zoning Board of Appeals